

App. No. 09/938,922
Amdt. dated
Reply to Office Action of September 23, 2003

REMARKS

In response to the Office Action dated September 23, 2003, Applicant respectfully requests reconsideration based on the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-11, 15-16 and 18-26

Claims 1-11, 15-16 and 18-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kay et al., US 5,754,634 (hereinafter "Kay") in view of Jagadish et al., US 6,058,170 (hereinafter "Jagadish 1") further in view of Jagadish et al., US 6,125,173 (hereinafter "Jagadish 2") for the reasons stated on pages 2-12 of the Office Action.

The Examiner states that Jagadish 2 discloses that in addition to the priced call value determined according to the billing plan to which the customer subscribes, the billing analysis system may also generate exemplary summary information based on other billing plans which may be available, and that it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the method and system as taught by Kay in view of Jagadish 1 to notify the subscriber as taught by Jagadish 2. Applicant respectfully disagrees with the Examiner.

In claim 1, the historical information of the usage pattern is compared with a predetermined billing plan to control the use of the telecommunication system. Thus, the use of the telecommunications system is based on the billing plan, which is previously determined by a user before generating the historical information.

On the contrary, Jagadish 2 generates exemplary summary information based on other billing plans rather than the billing plan to which a customer subscribes, and compares the exemplary summary information based on other billing plans with the summary information based on the billing plan of the customer. Thus, although the customer can receive information based on other billing plans and save an amount of money by changing his billing plan to other billing plan, the customer cannot figure out how many hours he has already spent based on the current billing plan to which he subscribes and he cannot control his usage based on the current billing plan. Thus,

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Jagadish 2 does not teach the limitations: causing the historical information of the usage pattern to be compared with a predetermined billing plan, whereby the customer uses the computer device to access the usage pattern and controls the use of the telecommunications system based on a comparison result, as claimed in claim 1.

Since any of Kay, Jagadish 1 and Jagadish 2 does not teach controlling the usage pattern of a telecommunications system based on a predetermined billing plan to which a customer subscribes, it would not have been obvious for any one of ordinary skill in the art at the time of the invention to combine Kay with Jagadish 1 and Jagadish 2 to arrive the invention of claim 1. Even if Kay, Jagadish 1 and Jagadish 2 are combined, the combination does not render obvious claim 1 because no reference teaches causing the historical information of the usage pattern to be compared with a predetermined billing plan, whereby the customer uses the computer device to access the usage pattern and controls the use of the telecommunications system based on a comparison result, as claimed in claim 1. Accordingly, claim 1 is believed to be patentable over the combination.

Claim 15 is believed to be allowable for at least the reasons given for claim 1. Claims 2-11 depend from claim 1, and claims 16, 18-26 depend from claim 15. These dependent claims are believed to be allowable due to their dependency on claims 1 and 15.

Claims 12 and 27

Claims 12 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kay in view of Jagadish 1 further in view of Jagadish 2 and Hill, US 5,953,398 (hereinafter "Hill") for the reasons stated on pages 12-13 of the Office Action.

Hill discloses long distance telephone services capable of issuing and/or recharging prepaid long distance telephone accounts from remote locations. Although Hill discloses announcing to a user the balance remaining on the user's account number, Hill neither teaches nor suggests causing the remaining balance to be compared with a predetermined billing plan, thereby controlling the use of the long distance telephone based on the comparison result. Thus, Hill does not cure the deficiencies of Kay, Jagadish 1 and Jagadish 2.

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Accordingly, the combination of Kay, Jagadish 1, Jagadish 2 and Hill does not render obvious claims 1 and 15. Claim 12 depends from claim 1, and claim 27 depends from claim 15. Claims 12 and 27 are believed to be allowable due to their dependency on claims 1 and 15.

Claims 13 and 17 and 28

Claims 13, 17 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kay in view of Jagadish 1 further in view of Jagadish 2 and Wang et al., US 6,161,134 (hereinafter "Wang") for the reasons stated on pages 13-14 of the Office Action.

Wang discloses an information appliance and a network appliance that function independently as well as with each other. There is no teaching or suggestion, in Wang, of controlling a customer's use of a telecommunications system by comparing the historical information of the usage pattern with a predetermined billing plan. Thus, Wang does not cure the deficiencies of Kay, Jagadish 1 and Jagadish 2.

Accordingly, the combination of Kay, Jagadish 1 and Jagadish 2 and Wang does not render obvious claims 1 and 15. Claim 13 depends from claim 1, and claims 17 and 28 depend from claim 15. Claims 13, 17 and 28 are believed to be allowable due to their dependency on claims 1 and 15.

Claims 14 and 29-35

Claims 14 and 29-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kay in view of Jagadish 1 further in view of Jagadish 2, Wang and Hill for the reasons stated on pages 14-21 of the Office Action.

As described above, any of Kay, Jagadish 1, Jagadish 2, Hill and Wang does not suggest or teach the limitations: causing the usage pattern to be compared with a predetermined billing plan, whereby the customer uses the device to access the usage pattern and controls the use of the telecommunications system based on a comparison result as recited in claims 14, 29, 30, 34 and 35.

Thus, the combination of Kay, Jagadish 1, Jagadish 2, Hill and Wang does not render obvious claims 14, 29, 30, 34 and 35. Claims 31-33 depend from claim 30, thus are believed to be allowable due to their dependency on claim 30.

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Conclusion

In view of the foregoing remarks and amendments, Applicant submits that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130 maintained by Applicant's attorneys.

Respectfully submitted,

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